

**Remarks/Arguments**

Claims 1, 11 and 28 are amended herein for clarity. Claims 4-10, 12-14, 17-19, 31, 32 and 33 are amended herein to correct a minor informality. The Applicants note with appreciation that claims 6, 19, and 33 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As Applicants believe in light of the present response, all of the remaining claims should be allowable, Applicants respectfully request that further treatment of those claims be held in abeyance pending resolution of the rejections below.

In the Office Action, the Examiner rejected claims 1, 4, 5, 8, 9, 11-14, 17, 18, 28, 31 and 32 under the judicially created doctrine of obviousness-type double patenting over claims 1-22 and 35-42 of US 7,261,987 (the "'987 Patent") to two of the same inventors as this application, and rejected claims 7 and 10 under the judicially created doctrine of obviousness-type double patenting over claims 1-22 and 35-42 of the '987 Patent in view of Diamond, Handbook of Imaging Materials, pp. 395-396.

Upon further consideration, notwithstanding Applicants' previous statements, and without any other admission, Applicants agree with the Examiner that, while the scope of the claims of the present application and the scope of the claims of U.S. Patent No. 7,261,987 differ, the scope of the claims of the present application is believed to encompass "Compound (3)" disclosed in U.S. Patent No. 7,261,987. Applicants therefore submit herewith a terminal disclaimer disclaiming the terminal part of patent(s) granted on the present application that extend beyond the expiration of U.S. Patent No. 7,261,987, which disclaimer is sufficient to overcome all presently pending rejections under the doctrine of obviousness type double patenting.

Appl. No. 10/804,719  
Amdt. Dated October 16, 2008  
Reply to Office Action of July 16, 2008

In light of the foregoing, the Applicants respectfully submit that the entire Application is now in condition for allowance, which is respectfully requested.

Please charge any shortage in the fees or credit any overpayment to Deposit Account No. 50-3266.

Respectfully submitted,

DLA PIPER LLP US

A handwritten signature in black ink, appearing to read 'Ki S. Kim', is written over a horizontal line.

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